

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION**

IN RE: DIGITEK PRODUCTS
LIABILITY LITIGATION

CASE NO.

MDL No. 1968

This Document Applies to:
ALL CASES

**AFFIDAVIT OF CHARLES S. SMITH, CPA
PURSUANT TO FRCP 53**

**STATE OF WEST VIRGINIA,
COUNTY OF KANAWHA, TO-WIT:**

This day personally appeared before the undersigned authority, Charles S. Smith, CPA, who after being first duly sworn, states as follows:

1. That I am over eighteen years of age, and this Affidavit is based upon my personal knowledge and is submitted freely and voluntarily;
2. That I have a Bachelor of Science degree in Accounting from the West Virginia Institute of Technology;
3. That I am a Managing Member of Smith, Cochran and Hicks, PLLC and am responsible for overall management and administration of the firm;
4. That Smith, Cochran and Hicks, PLLC provides Settlement Administration Services;
5. That I have been requested by the lead counsel for the Plaintiffs' Steering Committee ("PSC") and by the Defendants' lead counsel in the *In re: Digitek® Products Liability Litigation*, MDL No. 1968, United States District Court, Southern District of West

Virginia and coordinated State proceedings before the Honorable Joseph R. Goodwin, Chief Justice of the United States District Court of the Southern District of West Virginia, to serve as Special Master over the Settlement reached between the parties;

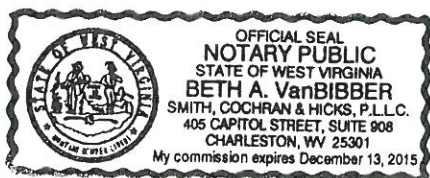
6. That I have reviewed my files and matters, including relationships and holdings, and do not find that I have any conflicts which would influence me in any way whatsoever or which may otherwise give me any financial interest in the proceedings or which would in any way influence my ability to carry out the duties assigned to me by the Court as Special Master in the negotiated Settlement Agreement;
7. That I am generally familiar with the duties and assignments to be assigned to me contemplated under the Settlement Agreement and believe I am able to provide such services to the best of my ability and experience in a fair and impartial manner;
8. That I have reviewed and am familiar with 20 U.S.C. 455 defining the standards for disqualification and I can attest and affirm that there are no grounds which would call for my disqualification and I am executing this affidavit in support of that pursuant to Federal Rule of Civil Procedure 53.

AND FURTHER AFFIANT SAITH NAUGHT.


CHARLES S. SMITH, CPA

Taken, subscribed and sworn to before me this 1st day of September, 2010.

My Commission Expires: 12/13/15




NOTARY PUBLIC